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TO: Examiner Suryaprabha Chundru **FROM:** Frank C. Eisenschenk, Ph.D.
COMPANY: U.S. Patent Office, Art Unit 1637 **DATE:** October 31, 2003
FAX NO.: 1-703-872-9306 **NO. OF PAGES:**
(INCLUDING COVER SHEET) 6

SUBJECT/MESSAGE: U.S. Patent Application Docket No. G-036US03DIV
Complementary DNAs
(Dumas Milne Edwards, Duclert, Bougucleret)
Serial No. 09/903,190; Filed 07/11/2001

ATTACHMENT: Election Under 35 U.S.C. § 121

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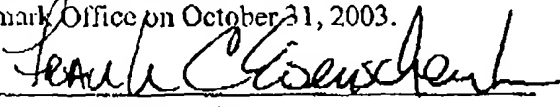
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Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION
Examining Group 1637
Patent Application
Docket No. G-036US03DIV
Serial No. 09/903,190

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Suryaprabha Chundru
Art Unit : 1637
Applicants : Jean-Baptiste Dumas Milne Edwards, Aymeric Duclert, Lydie Bougucleret
Serial No. : 09/903,190
Filed : July 11, 2001
Confirm. No. : 9722
For : Complementary DNAs

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION UNDER 35 U.S.C. § 121

In response to the Restriction Requirement dated October 1, 2003, in the above-identified patent application, Applicants hereby elect, without traverse, the invention of Group II, claims 9-13, drawn to isolated or purified polypeptides and SEQ ID NO: 97. Prior to examination, please amend the application as follows.

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In the Claims

Claims 1-8 (Withdrawn).

Claims 9-13 (Canceled).

Claims 14-20 (Withdrawn).

Claim 21 (New): A purified or isolated polypeptide comprising the sequence of SEQ ID NO: 97.

Claim 22 (New): The polypeptide of claim 21, wherein said polypeptide consists of the amino acid sequence of SEQ ID NO: 97.

Claim 23 (New): An isolated or purified polypeptide comprising amino acids 1 to 182 of SEQ ID NO: 97.

Claim 24 (New): The polypeptide of claim 23, wherein said polypeptide consists of amino acids 1 to 182 of SEQ ID NO: 97.

Claim 25 (New): A purified or isolated polypeptide comprising an amino acid sequence encoded by the insert from deposited clone 108-004-5-0-G6-JL in ATCC accession number 98921.

Claim 26 (New): The polypeptide of claim 21, wherein said polypeptide belongs to the C-type lectin family.

Claim 27 (New): The polypeptide of any of claim 22, wherein said polypeptide belongs to the C-type lectin family.

Claim 28 (New): The polypeptide of any of claim 23, wherein said polypeptide belongs to the C-type lectin family.

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Claim 29 (New): The polypeptide of any of claim 24, wherein said polypeptide belongs to the C-type lectin family.

Claim 30 (New): The polypeptide of any of claim 25, wherein said polypeptide belongs to the C-type lectin family.

Claim 31 (New): An allelic variant of a purified or isolated polypeptide:

- a) comprising the sequence of SEQ ID NO: 97;
- b) consisting of the amino acid sequence of SEQ ID NO: 97;
- c) comprising amino acids 1 to 182 of SEQ ID NO: 97;
- d) consisting of amino acids 1 to 182 of SEQ ID NO: 97; or
- e) comprising an amino acid sequence encoded by the insert from deposited clone 108-004-5-0-G6-FL in ATCC accession number 98921.

Claim 32 (New): The polypeptide of claim 31, wherein said polypeptide belongs to the C-type lectin family.

Claim 33 (New): An isolated polypeptide having at least 75%, 80%, 85%, 90%, 95%, 96%, 97%, 98% or 99% identity to a polypeptide:

- a) comprising the sequence of SEQ ID NO: 97;
- b) consisting of the amino acid sequence of SEQ ID NO: 97;
- c) comprising amino acids 1 to 182 of SEQ ID NO: 97;
- d) consisting of amino acids 1 to 182 of SEQ ID NO: 97; or
- e) comprising an amino acid sequence encoded by the insert from deposited clone 108-004-5-0-G6-FL in ATCC accession number 98921.

Claim 34 (New): The polypeptide of claim 33, wherein said polypeptide belongs to the C-type lectin family.

Claim 35 (New). A method of making a polypeptide according to claims 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, or 34, comprising the steps of:

a) obtaining a cDNA encoding a polypeptide according to claims 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 or 34;

b) inserting said cDNA in an expression vector such that said cDNA is operably linked to a promoter; and

c) introducing said expression vector into a host cell whereby said host cell produces the protein encoded by said cDNA.

Claim 36 (New): The method of claim 35, further comprising the step of isolating said polypeptide.

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Serial No. 09/903,190

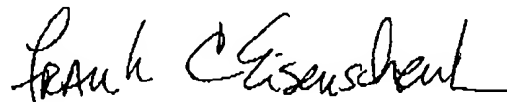
Remarks

Claims 1-20 were initially pending in the subject application. In the Office Action of October 1, 2003, the Examiner issued a restriction requirement in this matter. By way of the response of this date, Applicants have canceled claims 9-13 and added claims 21-36 drawn to purified or isolated polypeptides and methods of making polypeptides. Support for the new claims can be found, for example, at paragraphs 43, 54, 320, 549 through 551 of the subject application, Table VI (page 171), page 80, lines 5-11, SEQ ID NOs: 52 and 97, and original claims 10, 12, and 13. Favorable consideration of the claims in view of this response, and in view of the remarks set forth herein, is earnestly solicited.

Applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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